

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 867 – HB 847

April 1, 2013

SUMMARY OF ORIGINAL BILL: Prohibits a local education agency (LEA) from paying teachers their full salary on school days that teachers are engaged in duties as representatives of a professional employees' organization. Requires such teachers to be paid in commensuration with the amount of time that is spent on school duties. School duties shall include participating in a grievance procedural meeting, disciplinary hearing, or employment rights meeting as a representative of a professional employees' organization.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease Local Expenditures - \$1,000

SUMMARY OF AMENDMENT (005914): Deletes all language after the enacting clause. Authorizes an LEA to grant release-time to a professional employee to hold office as a representative of a local professional employees' organization as defined by Tenn. Code Ann. § 49-5-602. Release-time may be granted if the local board of education approves the request or if release-time is agreed to as part of a memorandum of understanding under the Professional Educators Collaborative Conferencing Act of 2011. Release-time may be granted for a portion of a year or an entire year. If an LEA grants release-time, a professional employees' organization is required to reimburse the LEA the full per-diem salary of the professional employee for each day that the employee is released for regular duties or the LEA may deduct the day from the employee's personal leave time if leave is granted for less than an entire year. If the release-time is for an entire year, the LEA shall be reimbursed the full salary and benefits of the employee. Requires LEAs to maintain the employee's position without salary advancement if the employee is granted leave for more than 90 days. Authorizes LEAs to allow a teacher representative of a professional employees' organization to attend a grievance procedural meeting, disciplinary hearing, or employment rights hearing when their presence has been requested. Such duties shall be considered regular school duties. Provisions of the bill shall not apply if an agreement is made between a professional employees' organization and the LEA to grant release time of less than one full day per work to perform organizational duties. Exempts LEAs that are under the terms of a current collective bargaining agreement in effect on July 1, 2013, until such time that the current agreement expires.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:


Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- No impact on the Basic Education Program (BEP) funding formula.
- Currently, individuals who take an extended leave of absence to serve as a full-time president of a professional employees' organization are not paid by the LEA or provided benefits unless the individual bears the cost pursuant to Tenn. Code Ann. § 49-5-715.
- The fiscal impact of this bill is dependent upon several unknown factors, such as the number of teachers participating in non-school duties, the extent of participation in non-school duties by any teacher, the salary of teachers that do participate in non-school duties, and the extent to which local education agencies currently pay such teachers for days or time not spent on regular school duties. Given the extent of unknown factors, the precise fiscal impact for this bill is difficult to determine. However, the recurring decrease in local government expenditures is reasonably estimated to exceed \$1,000.
- Any increase in expenditures for salary and benefit reimbursement will be borne by the professional employees' organization.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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